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Attorneys for Plaintiff
VALLEY ORCHIDS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

SOUTH PACIFIC ORCHIDS, INC., a
corporation;

Plaintiff,

v.

ROUND-THE-WORLD LOGISTICS
(U.S.A.) CORP., a corporation;
EVERGREEN SHIPPING AGENCY
(AMERICA) CORPORATION, a
corporation; EVERGREEN
INTERNATIONAL CORP., a corporation;
EVERGREEN INTERNATIONAL INC., a
corporation; EVERGREEN LINE, an entity
of unknown form; BENZ
TRANSPORTATION INC., a corporation;
and DOES ONE through FIFTEEN,

Defendants.

Case No. 3:10-CV-03278-SBA

**STIPULATION OF DISMISSAL AND
ORDER THEREON**

[FRCP 41(a)(2)]

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties hereby stipulate and
request the following:

Pursuant to settlement, this action is hereby dismissed with prejudice, provided however
that if, within 120 days of the entry of this order, plaintiff files notice, supported by declaration,
that the consideration in the settlement agreement has not been paid by BENZ
TRANSPORTATION INC., the dismissal as to BENZ TRANSPORTATION INC. only shall be
vacated and the action shall be restored to the active docket.

1 Respectfully submitted,
2 Dated: March 13, 2012 GIBSON ROBB & LINDH LLP
3 /s/ JOSHUA E. KIRSCH
4 Joshua E. Kirsch
5 Attorney for Plaintiff
6 SOUTH PACIFIC ORCHIDS, INC.
7 Dated: March 13, 2012 LAW OFFICES OF GARY A. ANGEL
8 /s/ GARY A. ANGEL
9 Gary A. Angel, Esq.
10 Attorney for Third Party Defendant
11 PORTS AMERICA, INC.
12 Dated: March 13, 2012 COGSWELL NAKAZAWA & CHANG, LLP
13 /s/ ALAN NAKAZAWA
14 Alan Nakazawa, Esq.
15 Attorney for Defendants, Cross-Claimants and
16 Third Party Plaintiffs
17 EVERGREEN SHIPPING AGENCY (AMERICA)
18 CORPORATION, EVERGREEN
19 INTERNATIONAL CORP. AND EVERGREEN
20 MARINE (UK) LIMITED, SUED HEREIN AND
21 DOING BUSINESS AS "EVERGREEN LINE"
22 Dated: March 13, 2012 LAW OFFICES OF JOHN M. DALEY
23 /s/ JOHN M. DALEY
24 John M. Daley, Esq.
25 Attorney for Defendant and Cross-Defendant
26 BENZ TRANSPORTATION INC.
27 Dated: March 13, 2012 ROBERTS & KEHAGIARAS LLP
28 /s/ CAMERON ROBERTS
Cameron Roberts, Esq.
Attorney for Defendant
ROUND-THE-WORLD LOGISTICS (U.S.A.)
CORP.

Joshua E. Kirsch attests that concurrence in the filing of this document has been obtained from each of the other signatories identified herein.

IT IS SO ORDERED.

Dated: 3/14/12


UNITED STATES DISTRICT JUDGE